

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Anthony K. Anderson,

Plaintiff

v.

Nevada Department of Corrections, et al.,

Defendants

Case No. 2:21-cv-00514-CDS-EJY

**Order for Supplemental Briefing**

Upon further consideration of the parties' arguments, I find that the parties must address an additional issue in their supplemental briefing. Specifically, defendants style the present motion as a motion to dismiss (ECF No. 112) despite having already filed their answer (ECF No. 96) to the third amended complaint (ECF No. 93). Under Federal Rule of Civil Procedure 56(f)(3), the court may "[a]fter giving notice and a reasonable time to respond . . . consider summary judgment on its own after identifying for the parties material facts that may not be genuinely in dispute." In addition to the two issues the parties must brief by 5:00 p.m. on May 27, 2025, the parties are ordered to brief the issue of whether the motion to dismiss, specifically arguing that this action is barred by claim preclusion, should be converted into a motion for summary judgment under Rule 56(f)(3) as part of their supplemental briefing. The timeline remains the same, but the parties are given an extra four pages—for a maximum of twelve pages total—to make their arguments.

Dated: May 12, 2025

  
Cristina D. Silva  
United States District Judge